

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

STEPHEN D. PRYSTOWSKY, ERIC N.
PRYSTOWSKY AND MICHAEL PRYSTOWSKY,
the Executors of the Estate of Dr.
Milton Prystowsky, and STEPHEN D.
PRYSTOWSKY AND ERIC N. PRYSTOWSKY,
the Executors of the Estate of Dr.
Rose Prystowsky,

Plaintiffs,

v.

TGC STORES, INC., ADT SECURITY
SERVICES, INC., PRIDE MOBILITY
PRODUCTS CORP. and JOHN DOES 4 -
10,

Defendants.

Civil Action No. 2:07-cv-
00072-SDW-MCA

O R D E R

PRIDE MOBILITY PRODUCTS CORP.,

Third-Party Plaintiff,

v.

DEWERT MOTORIZED SYSTEMS, PHOENIX
MECANO, INC. and JOHN DOES 1 - 10,

Third-Party Defendants.

In consideration of the Motion for Summary Judgment by
Third-Party Defendants, Dewert Motorized Systems and Phoenix
Mecano, Inc., and Plaintiffs' Response in Opposition thereto, it
is hereby ORDERED that the Motion is DENIED.

BY THE COURT:

The Hon. Susan D. Wigenton, U.S.D.J.

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Milton Prystowsky, and STEPHEN D.
PRYSTOWSKY AND ERIC N. PRYSTOWSKY,
the Executors of the Estate of Dr.
Rose Prystowsky,

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DEWERT MOTORIZED SYSTEMS, PHOENIX
MECANO, INC. and JOHN DOES 1 - 10,

Third-Party Defendants.

Civil Action No. 2:07-cv-
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**RESPONSE BY PLAINTIFFS,
STEPHEN D. PRYSTOWSKY, ERIC
N. PRYSTOWSKY AND MICHAEL
PRYSTOWSKY IN OPPOSITION TO
MOTION FOR SUMMARY JUDGMENT
BY THIRD-PARTY DEFENDANTS,
DEWERT MOTORIZED SYSTEMS
AND PHOENIX MECANO, INC.,
WITH STATEMENT IN LIEU OF
BRIEF PURSUANT TO L.CIV.R.
7.1(d) (4)**

ORAL ARGUMENT REQUESTED

RETURN DATE: FEB. 7, 2011

Plaintiffs, Stephen D. Prystowsky, Eric N. Prystowsky and
Michael Prystowsky, the executors of the Estate of Dr. Milton
Prystowsky, and Stephen D. Prystowsky and Eric N. Prystowsky,
the executors of the Estate of Dr. Rose Prystowsky

("Plaintiffs")¹, by and through their attorneys White and Williams LLP, respond in opposition to the Motion for Summary Judgment by Third-Party Defendants, Dewert Motorized Systems and Phoenix Mecano, Inc. (collectively, "Phoenix").

To the extent that Phoenix incorporates and adopts the pending Motion for Summary Judgment by Defendant, Pride Mobility Products Corp. ("The Pride Motion"), as the basis of Phoenix's Motion, in the interest of judicial economy Plaintiffs hereby incorporate their Response to The Pride Motion, including Plaintiffs' Brief, exhibits and affidavits in support thereof, document nos. 162 through 165, as if fully set forth at length herein, as recapitulation of the Response to The Pride Motion and the supporting Brief, exhibits and affidavits herein would be redundant.

WHEREFORE, Plaintiffs, Stephen D. Prystowsky, Eric N. Prystowsky and Michael Prystowsky, respectfully request that the Motion for Summary Judgment by Third-Party Defendants, Dewert Motorized Systems and Phoenix Mecano, Inc., be denied.

¹ By order of the Court on September 23, 2010, Stephen D. Prystowsky, Eric N. Prystowsky and Michael Prystowsky, the executors of the Estate of Dr. Milton Prystowsky, and Stephen D. Prystowsky and Eric N. Prystowsky, the executors of the Estate of Dr. Rose Prystowsky, were substituted as plaintiffs; the caption of the instant action was amended accordingly.

Respectfully submitted,

WHITE AND WILLIAMS LLP

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Attorneys for
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Milton Prystowsky, and Stephen D.
Prystowsky and Eric N. Prystowsky,
the Executors of the Estate of Dr.
Rose Prystowsky

Date: February 3, 2011

CERTIFICATE OF SERVICE

I, Deborah A. Crinigan, certify that on February 3, 2011, I served a copy of the Response by Plaintiffs, Stephen D. Prystowsky, Eric N. Prystowsky and Michael Prystowsky in Opposition to Motion for Summary Judgment by Third-Party Defendants, Dewert Motorized Systems and Phoenix Mecano, Inc., with Statement in Lieu of Brief Pursuant to L.Civ.R. 7.1(d)(4), upon the following counsel by Electronic Case Filing:

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Mobility Products Corp.***

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